



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF NOVEMBER 18, 2004**

CALL TO ORDER: Chairperson Weaver called the meeting to order at 7:13 p.m.

PRESENT: Vice Chairperson Wieckowski, Commissioners Harrison, Lydon, Sharma

ABSENT: Commissioners Natarajan and King

STAFF PRESENT: Jeff Schwob, Planning Director  
Larissa Seto, Senior Deputy City Attorney II  
Kathleen Chu, Senior Civil Engineer  
Kathleen Livermore, Senior Planner  
Julie Vidad-Balmoja, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Miriam Schalit, Video Technician

APPROVAL OF MINUTES: Regular Minutes of October 28, 2004 were approved as submitted.

**CONSENT CALENDAR**

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 2, 3, 4, 5, 6, 7, 10, AND 11.

IT WAS MOVED (HARRISON/WIECKOWSKI) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 2, 3, 4, 5, 6, 7, 10, AND 11.

**Item 2.** **MATEKO PARCEL MAP – 2555 Washington Boulevard – (PLN2004-00218)** – to consider a Tentative Parcel Map and Subdivision Modification for a three-lot single-family residential subdivision on a .74-acre parcel located in the Mission San Jose Planning Area. A Mitigated Negative Declaration has been prepared for this site.

**MODIFICATION TO STAFF REPORT**

The driveway access to Lots 2 and 3 has 19 feet of surface paving rather than 20 feet. Condition No. 5 should read, "The project is *not* on the Hazardous Waste and Substance Sites List".

**HOLD PUBLIC HEARING;**

**AND**

**FIND THAT AN ENVIRONMENTAL IMPACT ANALYSIS AND MITIGATED NEGATIVE DECLARATION WERE PREPARED FOR THIS PROJECT PURSUANT TO GUIDELINES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, BASED ON THE CITY'S INDEPENDENT ANALYSIS, AND HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT**

WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECTS ON WILDLIFE RESOURCES;  
AND ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION  
MONITORING PROGRAM;

AND

ADOPT THE DRAFT MITIGATED NEGATIVE DECLARATION AND MITIGATION  
MONITORING PROGRAM, AND FINDING THAT THIS ACTION REFLECTS THE  
INDEPENDENT JUDGMENT OF THE CITY OF FREMONT, AND FINDING THERE IS NO  
SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS MITIGATED, WILL HAVE A  
SIGNIFICANT EFFECT ON THE ENVIRONMENT;

AND

FIND PLN2005-00218 AND TENTATIVE PARCEL MAP 8385 ARE IN CONFORMANCE  
WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL  
PLAN;

AND

FIND PLN2005-00218 AND TENTATIVE PARCEL MAP 8385 (AS SHOWN ON EXHIBIT  
"A"); FULFILL THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT  
MUNICIPAL CODE;

AND

APPROVE PLN2005-00218 AND TENTATIVE PARCEL MAP 8385 IN CONFORMANCE  
WITH EXHIBIT "A", BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS  
OF APPROVAL SET FORTH IN EXHIBIT "B".

- Item 3. VESTING TENTATIVE TR 7556 – 3582 Beard Road – (PLN2005-00007) - to consider an application for a Vesting Tentative Tract Map and Subdivision Modifications to lot width standards for the subdivision of two existing lots to five single-family residential lots with a minimum lot size of 10,000 square feet located on Beard Road in the Northern Plain Planning Area. This application is a resubmittal of a previous approval, which has expired. A Mitigated Negative Declaration has been prepared for the project.

HOLD PUBLIC HEARING;

AND

FIND THE INITIAL STUDY CONDUCTED FOR VESTING TENTATIVE TRACT MAP 7556  
HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE  
EFFECT – EITHER INDIVIDUALLY OR CUMULATIVELY – ON WILDLIFE RESOURCES.  
THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL  
FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

ADOPT A DRAFT MITIGATED NEGATIVE DECLARATION AND FIND THAT IT  
REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT, AND FIND  
THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS MITIGATED, WILL  
HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT;

AND

APPROVE MITIGATION MONITORING PLAN FOR THE PROJECT;

AND

FIND THAT THE MODIFICATION TO THE WIDTH OF THE LOTS IS WARRANTED  
BECAUSE OF THE SITE CONFIGURATION, WIDTH OF THE PARCEL AND THE  
PRESERVATION OF THE EXISTING HOMES;

AND

FIND VESTING TENTATIVE TRACT MAP 7556 IS IN CONFORMANCE WITH THE  
RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN RELATED TO  
LAND USE AND HOUSING AS SET FORTH IN THIS REPORT;

AND

FIND VESTING TENTATIVE TRACT MAP 7556 FULFILLS THE INTENT OF THE  
APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

**AND**  
**APPROVE VESTING TENTATIVE TRACT MAP 7556, AS SHOWN ON EXHIBIT “A”,  
BASED UPON THE FINDINGS AND SUBJECT TO CONDITIONS OF APPROVAL SET  
FORTH IN EXHIBIT “B”.**

- Item 4.     LY REZONING – 41975 Roberts Avenue – (PLN2005-00036)** – to consider a rezoning of a .28 acre parcel from R-1-6 and RG-29 to R-3-18 for property located in the Irvington Planning Area. A Negative Declaration has been prepared for this project.

**HOLD PUBLIC HEARING;**

**AND**  
**RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE  
POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT, EITHER  
INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES. THERE IS NO  
EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE  
EFFECT ON WILDLIFE RESOURCES. AS A RESULT, RECOMMEND THE FILING OF A  
CERTIFICATE OF FEE EXEMPTION FOR THE PROJECT;**

**AND**  
**RECOMMEND THE CITY COUNCIL ADOPT THE DRAFT MITIGATED NEGATIVE  
DECLARATION, AND FINDING THAT THIS ACTION REFLECTS THE INDEPENDENT  
JUDGMENT OF THE CITY OF FREMONT, AND FINDING THERE IS NO SUBSTANTIAL  
EVIDENCE THAT THE PROJECT, AS MITIGATED, WILL HAVE A SIGNIFICANT EFFECT  
ON THE ENVIRONMENT;**

**AND**  
**RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE MITIGATION MONITORING  
PLAN FOR PLN2005-00036;**

**AND**  
**FIND PLN2005-00036 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS  
CONTAINED IN THE CITY’S EXISTING GENERAL PLAN. THESE PROVISIONS  
INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL  
PLAN’S LAND USE AND HOUSING ELEMENT CHAPTERS AS ENUMERATED WITHIN  
THE STAFF REPORT;**

**AND**  
**RECOMMEND PLN2005-00036 TO THE CITY COUNCIL IN CONFORMANCE WITH  
EXHIBIT “A” (REZONING MAP).**

- Item 5.     CORPUS CHRISTI PARISH/WINTER RELIEF PROGRAM – 37968 Third Street –  
(PLN2005-00096)** - to consider a conditional use permit to allow an existing religious facility to participate in a winter relief program for homeless families located at 37968 Third Street in the Niles Planning Area. This project is categorically exempt under CEQA Section 15304(e), a minor temporary use of land having negligible or no permanent effects on the environment.

**Commissioner Lydon** recommended that because 40 strangers would be in the building, in-place, emergency notification (other than a cell phone) should be in effect during this use.

**HOLD PUBLIC HEARING;**

**AND**  
**FIND THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM  
ENVIRONMENTAL REVIEW PER SECTION 15304(E) OF THE CEQA GUIDELINES;**

**AND**  
**FIND PLN2005-00096 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS  
CONTAINED IN THE CITY’S EXISTING GENERAL PLAN. THESE PROVISIONS  
INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL  
PLAN’S LAND USE AND HOUSING CHAPTERS;**

**AND**  
**APPROVE PLN2005-00096, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".**

- Item 6. FORERUNNER CHRISTIAN CHURCH – 39620 Sundale Drive – (PLN2005-00101)** – to consider Planned District Minor Amendment for modification of approved artwork to include text on the main entry-building wall for a religious facility located at 39620 Sundale Drive in the Irvington Planning Area. A Mitigated Negative Declaration was previously approved for the project.

**Commissioner Lydon** recommended that the posting and visibility of the address not be changed.

**HOLD PUBLIC HEARING;**

**AND**  
**FIND THE PREVIOUS INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PLANNED DISTRICT P-2003-154 HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**  
**FIND THAT THE PREVIOUS MITIGATED NEGATIVE DECLARATION ADOPTED FOR THE PLANNED DISTRICT P-2003-154 CONSIDERED ALL IMPACTS RELATED TO THE PROJECT AND THAT NO NEW IMPACTS WILL RESULT FROM THIS AMENDMENT;**

**AND**  
**FIND PLN2005-00101 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**  
**FIND PLN2005-00101 PLANNED DISTRICT MINOR AMENDMENT PER EXHIBIT "A", TO MODIFY EXTERIOR ART ON THE SANCTUARY BUILDING TO INCLUDE BOTH ONE (1) BAS-RELIEF ANGEL AND TEXT, AS PROPOSED, DOES NOT MEET THE DEFINITION OF A SIGN;**

**AND**  
**APPROVE PLN 2005-00101 PLANNED DISTRICT MINOR AMENDMENT AS SHOWN ON EXHIBIT "A".**

- Item 7. NILES CANYON SCENIC HIGHWAY PROTECTION PLAN – (PLN2002-00175)** – to consider the Protection Plan for the Niles Canyon Road and Paloma Way Scenic Corridor and recommend adoption of the Plan to the City Council. The Niles Canyon Road and Paloma Way section of State Route 84 is a 7.1-mile long, narrow, two-lane roadway extending from the intersection of State Route 238 (Mission Boulevard) east through a portion of the City of Fremont, the City of Union City and the unincorporated portion of Alameda County to Interstate 680. This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Sections 15307 and 15308 in that this project has been authorized by state law to assure maintenance, restoration, or enhancement of a natural resource and of the environment by establishing procedures for protection.

**HOLD PUBLIC HEARING;**

**AND**  
**RECOMMEND THAT THE CITY COUNCIL FIND THAT THE PROPOSED PROJECT IS EXEMPT UNDER SECTION 15307 AND 15308 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA);**

**AND**  
**RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE PROTECTION PLAN FOR NILES CANYON ROAD (EXHIBIT "A").**

- Item 10. FREMONT HUB PETSMART – 39400 Argonaut Way – (PLN2005-00044)** – to consider a Zoning Administrators Permit to allow a kennel to operate as an accessory use and also to consider a Finding for Site Plan and Architectural review for 34,508 square foot building and associated site works to the Fremont Hub in the Central Business District. This project is categorically exempt from CEQA review per Section 15302, Replacement and Reconstruction Class 2.

**HOLD PUBLIC HEARING;**

**AND**  
**FIND THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER GUIDELINES SECTION 15302, AS IT RELATES TO THE REPLACEMENT AND RECONSTRUCTION OF NEW STRUCTURES (CLASS 2);**

**AND**  
**FIND PLN2005-0044 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**  
**APPROVAL PLN2005-00044, ZONING ADMINISTRATOR PERMIT, SUBJECT TO THE FINDINGS AND CONDITIONS ON EXHIBIT "A";**

**AND**  
**APPROVE PLN2005-00044, AS SHOWN ON EXHIBIT "B", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "C".**

- Item 11. FLOOR AREA RATIO (FAR) REVIEW PROCESS - Citywide – (PLN2004-00003)** – to consider a zoning text amendment (ZTA) to amend the approving agency for review of requests relating to floor area ratio (FAR) increases and to clarify the materials needed to accompany such a request. The intent of these changes is to streamline and clarify the processing requirements in order to provide a faster response to the development community. Currently, a request is considered by the Community Development Director, Planning Commission or City Council depending on the amount of increase over the threshold. The ZTA would amend the current language to have the Community Development Director as the primary reviewing agency with ability to refer to the Planning Commission or City Council. The zoning text amendment proposes language changes to Chapter 2 (Zoning) of Title VIII (Planning and Zoning) of the Fremont Municipal Code specifically Section 8-22140.5 of Article 21.3 (Special Provisions Applying to Miscellaneous Uses) and Article 25.2 (Findings). A Negative Declaration has been prepared and circulated for this project.

**HOLD PUBLIC HEARING;**

**AND**  
**RECOMMEND THAT THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**  
**RECOMMEND THAT THE CITY COUNCIL APPROVE NEGATIVE DECLARATION WITH ACCOMPANYING CERTIFICATE OF FEE EXEMPTION AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;**

**AND**  
**RECOMMEND THAT THE CITY COUNCIL FIND THAT PLN2004-00003 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S**

GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE ELEMENT AS ENUMERATED WITHIN THE STAFF REPORT;

AND

RECOMMEND THAT THE CITY COUNCIL FIND THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE REQUIRE THE ADOPTION OF THIS ZONING TEXT AMENDMENT PLN2004-00003 BECAUSE THE PROPOSED TEXT CHANGES ARE NEEDED TO STREAMLINE THE REVIEW PROCESS AND TO CLARIFY THE SUBMITTAL REQUIREMENTS, AS SHOWN IN EXHIBIT "A";

AND

RECOMMEND PLN2004-00003 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A" (ZONING TEXT AMENDMENT).

The motion carried by the following vote:

AYES:	5 – Harrison, Lydon, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	2 – King, Natarajan
RECUSE:	0

## PUBLIC COMMUNICATIONS

### ORAL COMMUNICATIONS

**Chairperson Weaver** congratulated **Vice-Chairperson Wieckowski** who was soon to become Council Member Wieckowski.

**Amol Picker**, 33-year resident and active real estate broker, stated that, in his opinion, the City's land was allocated 90 percent to parking lots and 10 percent to structures. He believed that parking garages should be built to facilitate downtown ambiance and to encourage shoppers to walk freely among the businesses. He suggested that parking requirements be changed, as he believed that parking spaces did not have to be provided for everyone who "might" patronize a particular business, as it seemed that many of the parking lots were almost empty. A CBD was not supposed to be a big shopping center. "People who want to shop downtown will find a way."

### PUBLIC HEARING ITEMS

**Item 1.** **TENTATIVE PARCEL MAP 8244 – 46970 Ocotillo Court – (PLN2004-00042)** – to consider Tentative Parcel Map 8244 to subdivide a 1.03 acre parcel located at 46970 Ocotillo Court in the Warm Springs Planning Area into three single-family residential lots located in the Warm Springs Planning Area. This project is categorically exempt per CEQA Section 15315 Minor Land Division.

**Chuck Ludwig**, civil engineer representing the applicant, stated that the existing house would be demolished, making room for three homes. Each lot would be 4,000 to 5,000 square feet larger than the minimum of 10,000 square feet required by the City. Five existing lots in the existing development were smaller than the smallest proposed lot and nine existing lots were smaller than the other two proposed lots. The CC&Rs did not mention minimum lot size nor prohibit subdivision of properties. Four subdivisions within the development had been previously approved by the City.

**Chairperson Weaver** opened the public hearing.

**Melissa Frank**, lifelong resident on Ocotillo Court, stated that few of the lots were under an acre. Most of the previous subdivisions were a half split, not a three to one split, with some of the larger parcels subdivided into acre parcels. The land use should stay the same and the essential nature of the area should be kept intact.

**Yen Kwok**, property owner across the street from the proposed project, objected to the one-acre parcel being subdivided into three parcels. She and her neighbors owned one and two-acre parcels. She believed this project would disturb the neighborhood.

**Kenlin Huang**, four-year resident on Yakima Drive, did not support the project.

**Susan Gearhart**, Friends of the Hill Initiative, stated that Ocotillo Court was considered to be built out, so had not been included within the Toe of the Hill. If more building was going to be done, then it would have to be reconsidered with respect to the Toe of the Hill.

**Vice-Chairperson Wieckowski** asked if she was suggesting that this project could bring this lot above the Toe of the Hill.

**Ms. Gearhart** replied that this lot had not been considered, because it had a home on it. Further development would certainly bring this lot back into the Toe of the Hill parameters.

**Commissioner Harrison** asked if the speaker could review the criteria for lots that were located above the Toe of the Hill line.

**Senior Planner Livermore** replied that those lots had to be a minimum of 20 acres.

**Commissioner Sharma** asked if the speaker was speaking against the project or was she suggesting that the issue should be continued until the Toe of the Hill was finally drawn.

**Ms. Gearhart** replied that, because of the ambiguity of the Toe of the Hill, it was premature to approve this project. City Council still had to approve the hiring of consultants to review the Toe of the Hill line, so how could this project be approved at this time?

**Joe Kwok**, resident on Ocotillo Court, stated that he lived directly across from this proposed subdivision. He did not support the project.

**Jim Reeder**, resident on Joshua Place around the corner from this project, stated that he was a member of the original development team for this residential area. When the CC&Rs were created in the early 1970s, no one envisioned that the lots might be subdivided. "In today's real world, CC&Rs include prohibitions against subdividing." He read from the CC&Rs, "No building, other than a detached, single-family dwelling house and appurtenant outbuildings, including garages for private use, shall be erected, constructed . . ." The small lots that were mentioned by the applicant were in a different character of the neighborhood. This enclave was designed to give some ambiance and entry into the Glenmore Hills subdivision.

**Commissioner Harrison** asked the speaker to address the subdivisions mentioned by the applicant.

**Mr. Reeder** agreed that two or three lot splits had occurred. Had noticing been more than the standard 300 feet, there would have been participation concerning those subdivisions.

**Richard Frank**, 20-year resident on Ocotillo Court, agreed with the previous speakers with regard to this project not being in character with the neighborhood. He displayed a map that showed the lots. The previous parcels were divided into half acres or one acre each, rather than the 15,000 square feet being proposed. He questioned approving a project that could be in the middle of the Toe of the Hill, which had not been reviewed by an outside consultant or approved by City Council. He asked that this project be delayed at least until the Toe of the Hill line was decided.

**Julie Wang**, property owner to the right of the property in question, agreed with the previous speakers. She objected to someone buying the property for investment and changing it to something that did not conform to the rest of the neighborhood.

**Marilyn Kern**, resident on Joshua Place around the corner, stated that she had chosen this area to live because of the area between homes. She worried that the wrong precedent would be set for the neighborhood, if the applicant was allowed to split his property into three lots.

**Mr. Ludwig** closed by stating that the homes would be very nice and in keeping with the neighborhood. These lots would be similar to one-quarter of the existing lots in the area. He asked that he be treated fairly and that the City ordinances be followed. He reiterated that four subdivisions had been previously approved in this area.

**Commissioner Harrison** asked the applicant to address the Toe of the Hill issue.

**Mr. Ludwig** replied that the City Engineering Department told him that every scenario for the Toe of the Hill line would be above this property.

**Chairperson Weaver** closed the public hearing.

**Commissioner Lydon** stated that this particular neighborhood was one that “dared to be different.” However, those who were fortunate to live there should not be penalized by this random act. It would be out of character in this particular case on that particular street.

**Vice-Chairperson Wieckowski** asked for staff comment on the concept of the essential nature of this project as a planning or land use idea.

**Planning Director Schwob** replied that the character of the neighborhood had been set by the large lots. It was within the Commission’s purview to make this kind of decision based upon the General Plan goals, objectives and policies. Some subdivisions had been approved on Yakima Drive, which was the entrance to this area. However, Ocotillo Court was largely intact.

**Commissioner Sharma** asked how the Toe of the Hill line would impact this particular property.

**Planning Director Schwob** replied that the staff-proposed Toe of the Hill line would place this property below the line. However, the consultant who was to be retained in the future could reach a different conclusion. There was no development moratorium and the city had to evaluate proposals that were brought forward.

**Vice-Chairperson Wieckowski** understood that the ordinance required that the Toe of the Hill line be implemented within one year. He asked when this would happen.

**Planning Director Schwob** agreed that under State law it should be implemented within a year. However, the ordinance was not crystal clear and how to interpret the ordinance had to



be decided first. He estimated that it will be ready to implement sometime in April 2005. Unless the applicant was willing to withdraw his application, a decision had to be made.

**Commissioner Harrison** stated that the map provided by staff helped him when he visited the site. He agreed with Chief Lydon in that “this is an unique little part of Fremont and, I think we should preserve it.”

IT WAS MOVED (HARRISON/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (4-1-0-2-0) THAT THE PLANNING COMMISSION **DENY TENTATIVE PARCEL MAP 8244.**

The motion carried by the following vote:

AYES:	4 – Harrison, Lydon, Sharma, Weaver
NOES:	1 – Wieckowski
ABSTAIN:	0
ABSENT:	2 – King, Natarajan
RECUSE:	0

**Planning Director Schwob** announced that the decision by the Planning Commission could be appealed by filing an appeal with the City Clerk within ten days. A filing fee would be applicable.

**Chairperson Weaver** called for a recess at 8:05 p.m.

**Chairperson Weaver** called the meeting back to order at 8:15 p.m.

**Item 8. HOUSING ELEMENT IMPLEMENTATION PROGRAM 18** – to consider the following Rezonings:

Site 1 (PLN#2005-00072) to re-designate approximately 4.5 acres of land including 5 parcels and portions of land owned by the Alameda County Flood Control District (ACFCD) in the Centerville Planning Area. The subject parcels are located on the south side of Fremont Boulevard between Handel Commons and London Commons from Medium Density Residential (6.5 to 10 dwellings per acres) and Commercial Thoroughfare to Medium-Residential density (18 – 23 du/ac) and Institutional Open Space, and to rezone five parcels of land from CT (Commercial Thoroughfare) (CSPC) district to the Planned District (CSPC) and the ACFCD lands to O-S (Open Space). A Mitigated Negative Declaration has been prepared and circulated for this project.

Site 2 (PLN # 2005-00073) consists of approximately 11.5 acres located in the Centerville Planning Area, as follows: Site 2A is located generally on the northwest corner of Dusterberry Way and Central Avenue; Site 2B is located on the southeast corner of Dusterberry Way and Peralta Boulevard; Site 2C is located westerly of Peralta Boulevard southerly of Dusterberry Way. The project includes the re-designation of Site 2A (which includes a portion of the DMV property) from Medium Density Residential (6.5-10 dwellings per acre) to High Density Residential (23 - 27 dwellings per acre); Site 2B from Medium Density Residential (6.5-10 dwellings per acre) to Medium Density Residential (11-15 dwellings per acre); and, Site 2C from Medium Density Residential (6.5-10 dwellings per acre) and Light Industrial to Medium Density Residential (11-15 dwellings per acre). In addition, it includes an amendment of the land use element of the Centerville Specific Plan to change the land use designation, accordingly for all properties within this Site, and a rezoning of all affected properties from the P (CSPC) and IL (CSPC) District to P-2005-73 (CSPC). A Mitigated Negative Declaration has been prepared and circulated for this project.

Site 3 (PLN # 2005-00075) consists of approximately 33.3 acres of land on five parcels in the Mission San Jose Planning Area. The project includes re-designation of the parcels from Low Density Residential (5 to 7 dwellings per acre) and Hill Face Open Space to Medium Density Residential (6.5 to 10 dwellings/acre) and Hill Face Open Space, and the rezoning of the site from the R-1-6 (H-I)(R) (Single Family Residential, Hillside Combining, Development Reserve Overlay), A (H-I) (R) (Agriculture, Hillside Combining, Development Reserve Overlay), and A (H-I) (Agriculture, Hillside Combining) to the P-2005-75 district. A Mitigated Negative Declaration has been prepared and circulated for this project.

Site 4 (PLN#2005-00076) consists of approximately 2.43 acres of land located on Mount Vernon Avenue between Mowry Avenue and Capitol Avenue in the Central Planning Area. The existing General Plan land use designation for this site is "CBD-Central Business District," which is not proposed to be amended as part of this project. The project does include a proposed zone change from P-2002-216 (Planned Development) to P-2005-76 (Planned Development). The proposed Planned Development zoning would amend the existing P district to provide for a residential density of 50 to 70 dwellings per acre in conformance with the adopted CBD Concept Plan and land use designation for the site. A Mitigated Negative Declaration has been prepared and circulated for this project.

### **MODIFICATION TO STAFF REPORT**

**Assessor Parcel Number(s): Site 2:** 501-0522-002-00, 501-0551-046-00, 501-0551-048-00

**Senior Planner Livermore** stated that this was the third group of sites that had come before the Commission. Valuable input had been received from many of the property owners and interested neighbors, upon which modifications had been made.

**Commissioner Sharma** asked what percent of the interested parties had approved the rezoning.

**Senior Planner Livermore** replied that no property owner had requested to be removed from the proposed rezoning. Most of the neighbors' concerns had been addressed. The existing concerns were included in the report. Of the property owners, 100 percent were in agreement and a vast majority of the neighbors with whom she had spoken agreed with the proposed rezoning.

**Vice-Chairperson Wieckowski**, stated, concerning Site 3, that the density was to be at the absolute bottom of the medium density and he asked why it was not higher.

**Planning Director Schwob** replied that the density had been decided because of the slope of the land. Even the area below the Toe of the Hill was up to a 15 percent slope, which was more challenging to develop than flat land.

**Chairperson Weaver** opened the public hearing.

**Ming Lee**, Mission Ciello Court resident, stated that the new development concerned him, because his street would be used by the new residents. New homes would be allowed to be constructed that would be crowded together and with no place for children to play. He stated that he had not heard of the rezoning until two weeks ago and it was a big shock. Due to short notice, not many people who opposed the rezoning were able to attend this meeting.

**Commissioner Lydon** asked if there was some way that staff could confirm how many dwelling units per acre would be allowed for the project the speaker objected to, if the rezoning was approved.

**Planning Director Schwob** promised to do the math and answer his question later.

**Nacha Subramanian**, 20-year Fremont homeowner and real estate broker, stated that she was primarily interested in the beauty and open space surrounding Mission Ciello Court. She feared that the view and the open space would be compromised by a higher density rezoning. School traffic had caused congestion so heavy in the mornings and afternoons that it was difficult for the residents to drive in or out of their properties. She also had not been contacted and was aware of the rezoning only through the notice she received.

**Commissioner Lydon** asked who had told the speaker that no development would be allowed across the street from her residence.

**Ms. Subramanian** stated that she called the City before she bought her home and while it was being constructed about five years ago and was told that the area across the street was zoned to allow only one or two homes per acre.

**Susan Gearhart**, Friends of the hills Initiative, stated that her organization had not pushed the one-year implementation, because staff had been working directly with them. She complimented staff on the 100 percent effort they had made and their dedication to getting the Toe of the Hill right. Until a consultant had reviewed staff's recommendations, the Toe of the Hill line could be just about anywhere. She questioned that a decision could be made on this particular project before the Toe of the Hill line was decided.

**Commissioner Sharma** stated, for the record, that the majority of the City of Fremont voters had approved Measure T. It was not correct to state that 58 percent of the City of Fremont residents had voted to approve Measure T.

A discussion ensued between Commissioner Sharma and the speaker about what percent of Fremont residents were registered voters and what percent of the registered voters had voted for approval of Measure T.

**Chairperson Weaver** commented that those who chose not to vote ceded their rights to those who did choose to vote.

**Gertrude Rooshan**, Mission Ciello Court resident, stated that she lived directly opposite the high school and loved the hills, the view of the hills, the cows on the hills; it was a beautiful, private place. If the area next door was allowed to be developed, the Mission Ciello Court residents would not only lose their court but the through traffic would cause them to lose their privacy.

**Deborah Aw**, Mission Ciello Court resident, stated that her children had urged her to speak before the Commission, because development would ruin the habitat of the local wild turkeys and the deer. Most households on the court had children under the age of 12. They played in the street and construction would compromise their safety. She agreed that congestion in the area was caused by more than the high school; there were other schools, along with people entering and exiting I-680. She also worried about construction in the dry hills. She urged the Commissioners to observe their area at 7:30 a.m. any weekday morning.

**Chairperson Weaver** closed the public hearing.

**Planning Director Schwob** stated that under the existing zoning, the potential units on the site in question would be 116 units. Under the proposed rezoning, it would be 137 units.

**Commissioner Lydon** asked if the total units could vary with the ultimate determination about the Toe of the Hill line.

**Planning Director Schwob** agreed. He also pointed out a General Plan map error. It showed the 6.5- to 10-unit acre density going up to the existing Toe of the Hill line, not the future staff-proposed Toe of the Hill line. The map needed to be changed to reflect that, which meant that about half of the acreage of the site being discussed would be above the Toe of the Hill and would be designated Hill Face Open Space. No development would be allowed on that area under this proposal for a planned district zoning. In this area, there had been no contention about where the Toe of the Hill line was and it might move only a few feet, if at all.

**Commissioner Harrison** asked what DRO was. He asked that the density numbers be repeated.

**Planning Director Schwob** explained that DRO was Development Reserve Overlay, which was a line that showed the water pressure line.

**Commissioner Harrison** confirmed that with existing zoning, 116 units could be constructed on the lot with nothing built above the Toe of the Hill and 137 units could be constructed under the new zoning, a 15 percent increase. Regarding Site 4, he asked if this rezoning would affect the building moratorium approved two years ago.

**Senior Planner Livermore** stated that it would not affect the planned district and the moratorium still would apply. This rezoning would specifically allow what had been set before.

**Planning Director Schwob** clarified that the Mount Vernon moratorium was no longer in effect. It was the current Planned District zoning that required a minimum amount of development when sites on Mt. Vernon choose to redevelop. He noted that an allowance for residential development would be added to the planned district.

**Vice-Chairperson Wieckowski** asked if the proposed density for the south side of Mission Boulevard was comparable to the existing density on the north side and why was this rezoning being considered.

**Planning Director Schwob** replied that the density to the north, the Mission Ciello area, was about five to seven units per acre. The density on the south side of Mission Boulevard would be closer to eight units per acre. The rezoning was being considered because of the limited land supply and the city was obligated, under the housing element, to meet the requirement to provide for housing for all segments of the community.

**Commissioner Sharma** guessed that the new homes on smaller lots would cost more than the people across the way had originally paid for their properties.

**Commissioner Lydon** asked if the Mission Ciello purchasers knew that the streets were abutted, which would some day accommodate future expansion.

**Planning Director Schwob** agreed that it was hard to believe that a purchaser would not expect adjacent parcels on abutting streets to be developed at some time.

**Commissioner Lydon** pointed out that people needed to realize that any vacant land was up for development and the Planning Commission was charged to make sensible and equitable decisions that would enhance the future of the city. To abort this rezoning was impractical, although he was sympathetic to the speakers' views. However, the Planning Commission could not "look at the world through a straw."

**Vice-Chairperson Wieckowski** stated regarding Site 2, that staff recommendation was for 11 to 15 density per acre and he asked why not recommend 15 to 18, since Peralta Boulevard across the street was a higher density. In his opinion, this was an opportunity to eke out a higher density, since the neighborhood was a hodge-podge of densities and uses. He acknowledged that a change of density was always painful for the existing residents.

**Planning Director Schwob** stated that the 11 to 15 density was chosen because it would be the same as the adjacent development and was appropriate for the area. If the designations in one area that already had an EIR were radically changed, it could cause unknown impacts in another area that had not yet been evaluated. Some higher densities had been rezoned in the Centerville neighborhood and staff felt that it was more appropriate to raise the density one notch up for this relatively large piece of land. A portion of the former DMV site would be a little denser, because it faced two major arterial streets.

**Vice-Chairperson Wieckowski** wondered if the City was missing long-term opportunities by taking "itty-bitty little steps" that certainly made neighborhoods feel more comfortable, at this time. He asked for staff's best guess on the distance between the Mission San Jose Park and the proposed development site.

**Planning Director Schwob** agreed that he was probably correct, long term. When the next set of housing requirements came out, staff would be challenged. In some of the old shopping centers, the redesignation was 35 units to the acre. Staff expected that some sites not considered during this cycle would be ready for redesignation during the next cycle. For example, the area north of Washington Boulevard, between the railroad tracks in the Irvington area, would be opened up when one set of tracks was relocated. Since the Mission San Jose Park abutted the Mission High School, he guessed about a distance of a half mile.

IT WAS MOVED (HARRISON/LYDON) AND CARRIED BY THE FOLLOWING VOTE (5-0-0-2-0) THAT THE PLANNING COMMISSION HOLD SEPARATE PUBLIC HEARINGS ON SITES 1, 2, 3 AND 4;

**AND**

**RECOMMEND TO THE CITY COUNCIL THAT THE INITIAL STUDY CONDUCTED FOR SITES 1, 2, 3 AND 4 PLNS 2005-00072, 2005-00073, 2005-00075 AND 2005-00076 HAS EVALUATED THE POTENTIAL IMPACTS FOR PROGRAM 18 AND 21 REDESIGNATIONS AND REZONINGS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES, AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**

**RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF DRAFT MITIGATED NEGATIVE DECLARATION FOR SITES 1, 2, 3 AND 4 P-2005-72, P-2005-73, P-2005-75 AND P-2005-76, WITH ACCOMPANYING CERTIFICATE OF FEE EXEMPTION FINDING THAT IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT, AND FINDING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS MITIGATED, WILL HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT;**

**AND**

**RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM;**

**AND**

**FIND THAT GENERAL PLAN AMENDMENTS, THE REZONING TO PLANNED DISTRICTS (P-2005-72 (CSPC), P-2005-73 (CSPC), P-2005-075 AND P-2005-076) ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING ELEMENT CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;**

AND  
FIND THAT THE EXISTING COMMERCIAL SITES HAVE RELATIVELY UNIQUE FEATURES AND THAT THEIR DESIGNATION FOR HIGHER DENSITY RESIDENTIAL OR COMBINATION OF COMMERCIAL AND RESIDENTIAL DEVELOPMENTS REQUIRES SPECIFIC DESIGN CONSIDERATIONS TO ACHIEVE THESE OBJECTIVES; AND ARE IDENTIFIED IN THE HOUSING ELEMENT SUCH THAT THE PROPERTIES CAN BEST BE DEVELOPED AS PLANNED DISTRICTS;

AND  
MAKE SEPARATE RECOMMENDATIONS FOR EACH SITE RECOMMENDING THAT THE CITY COUNCIL APPROVE EXHIBITS "A" (GENERAL PLAN AMENDMENTS), EXHIBITS "B" (REZONINGS), EXHIBITS "C-1" AND "C-2" (SPECIFIC PLAN AMENDMENT), AND EXHIBITS "D" FOR THE PLANNED DISTRICTS P-2005-72 (CSPC), P-2005-73 (CSPC), P-2005-75 AND P-2005-76) FOR THE FOLLOWING SITES:

SITE 1 (PLN2005-00072) APPROXIMATELY 4.5 ACRES LOCATED ON THE SOUTHERLY SIDE OF FREMONT BOULEVARD BETWEEN HANDEL COMMONS AND LONDON COMMONS,

AND

SITE 2 (PLN2005-00073) APPROXIMATELY 11.5 ACRES OF LAND LOCATED IN THREE SEPARATE GROUPING OF PARCELS ON THE SOUTH AND NORTH SIDE OF PERALTA AVENUE AND WEST ON PERALTA AVENUE,

AND

SITE 3 (PLN2005-00075) APPROXIMATELY 33.3 ACRES OF LAND LOCATED ON THE NORTHERLY SIDE OF MISSION BOULEVARD AND GENERALLY EAST OF PALM AVENUE,

AND

SITE 4 (PLN2005-00076) APPROXIMATELY 2.43 ACRES OF LAND LOCATED ON MOUNT VERNON AT STATE AVENUE.

The motion carried by the following vote:

AYES:	5 – Harrison, Lydon, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	2 – King, Natarajan
RECUSE:	0

**Item 9. HOUSING ELEMENT PROGRAM 21** – to consider the following General Plan Amendment and Rezoning.

Site 1 (PLN2004-00274) consists of approximately 7.76 acres of land located in two locations: Site 1(a) at 555-643 Mowry Avenue is north of the terminus of Cherry Lane and Mowry Avenue, and Site 1(b) at 101 Guardino Drive is on the southeast corner of Mowry Avenue and Guardino Drive. Both are in the Central Planning area. The proposed project would amend the General Plan land use designation of property in (a) from Commercial to a Residential Medium Density (18 to 23 dwellings per acre) General Plan land use designation and for properties and in (b) from Neighborhood Commercial to a Residential Medium Density (15 to 18 dwellings per acre) General Plan land use designation. A zone change is also proposed as follows: Site 1(a) from P-68-7 to P-2004-24 (a Commercial PD that allows multi-family residential development) and Site 1(b) from P-87-10 to R-3-18 Multi-Family Residential. Implementation of the proposed project would allow the owner to maintain the existing uses on the site or to develop with housing as specified in the amended General Plan land use designation and the changed zoning designation. A Mitigated Negative Declaration has been prepared and circulated for this project.

Site 2 (PLN2005-00079) consists of seven parcels which total 3.81 acres of commercially zoned properties located on irregularly shaped parcels at the northwest corner of Mission Boulevard and Mowry Avenue in the Central Planning Area. The proposed project would amend the General Plan land use designation of the site from Thoroughfare Commercial to a Residential Medium Density (15 to 18 dwellings per acre) General Plan land use designation. A rezoning of the site is also proposed from Thoroughfare Commercial (C-T) to a Planned District which allows multi-family residential and compatible commercial uses. Implementation of the proposed project would allow the owner to maintain the existing uses on the site or to develop with housing as specified in the amended General Plan land use designation and the changed zoning designation. A Mitigated Negative Declaration has been prepared and circulated for this project.

**Senior Planner Livermore** stated that her comments made for Program 18 stood for this item, as well.

**Chairperson Weaver** opened the public hearing.

**Amol Picker** stated that he owned the property on the corner of Mission Boulevard and Mowry Avenue, which was the subject of the rezoning. It was to his economic benefit if it was rezoned residential. However, speaking as a Fremont resident, he asked if it was right to rezone this property to house the underprivileged when it was bound by railroad tressels at 90 degrees to each other, a traffic signal and vehicles that drove through the area spewing fumes. This was the worst location for people to live. He compared this potential project with the earlier "privileged" speakers who worried about being "shoved with apartments and houses." He said that people would be treated like animals and shoved into a corner. Instead of putting commercial business along the major arteries, apartments and housing for the aging were planned, which he felt was counter to the positive development of the city. He used various Bay Area downtowns, such as Willow Glen, Saratoga and Los Gatos as examples.

**Chairperson Weaver** closed the public hearing.

**Commissioner Harrison** disclosed that he used to own an apartment on Cherry Lane close to the Comcast property, but he no longer had a financial interest in the property.

**Commissioner Lydon** asked staff if the city was giving away a chance for a commercial site by rezoning the previous speaker's property to residential. If that property was developed with apartments, would it have to come back to the Commission for review?

**Planning Director Schwob** stated that the existing commercial properties could remain commercial and/or chose to develop residential uses. It was more likely that property would be developed with townhomes at a density of 15 to 18 units to acre. The affordable component would be 15 percent of the total number of units. Yes, it would have to come back to the Commission for site plan and architectural approval.

**Commissioner Lydon** agreed that the property did not seem to be a good site for residential units. However, all the way down the railroad tracks, residential development had flourished and the railroad tracks did not seem to be the deterrent that one would expect.

**Planning Director Schwob** stated that he was correct. He recalled that the vacant property at Mission Boulevard and Walnut Avenue had the railroad on one side with two busy streets on two sides, which was planned to accommodate a development that had been recently approved by the Planning Commission. He believed that people who chose to live by the railroad were not necessarily bothered by the trains.

**Chairperson Weaver** added that she lived between Mowry and Walnut Avenues with a railroad track nearby. After living there for over 20 years, she did not notice the train going by.

**Commissioner Sharma** pointed out that an owner was not required to develop his property as residential after a rezoning. The change of zoning just added an extra option for the property owner. He mentioned many urban areas in the Bay Area where people lived with traffic and noise, which was a personal choice.

**Commissioner Lydon** asked if mixed-use would be one of the options under a rezoning.

**Planning Director Schwob** agreed that mixed use would be an option and would have to come back to the Commission for review.

IT WAS MOVED (HARRISON/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (5-0-0-2-0) THAT THE PLANNING COMMISSION HOLD SEPARATE PUBLIC HEARINGS FOR SITES 1(A) AND (B) AND SITE 2 AND THEN COMPLETE RECOMMENDATIONS 2-6 FOR EACH;

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT (SITES 1 AND 2) WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**

**RECOMMEND THAT THE CITY COUNCIL APPROVE THE MITIGATED NEGATIVE DECLARATION FOR SITES 1(A) AND (B) AND SITE 2 AND FIND THAT IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT, AND FINDING THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS MITIGATED, WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND THAT THE CITY COUNCIL ADOPT THE MITIGATION MONITORING PROGRAM;**

**AND**

**FIND THAT GENERAL PLAN AMENDMENTS AND THE REZONING OF SITES 1(A) AND (B) AND SITE 2 TO P-2004-274, R-3-18, AND P-2005-79 ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING ELEMENT CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**

**FIND THAT ONCE THE RE-DESIGNATION AND REZONING IS APPROVED FOR SITES 1(A) AND (B) AND SITE 2, THAT WHEN A DEVELOPMENT PROJECT IS PROPOSED ON THESE SITES, SUCH PROJECT WILL BE REQUIRED TO BE EVALUATED INDIVIDUALLY FOR ITS DESIGN AND CONFORMITY TO ADOPTED FREMONT CODES;**

**AND**

**MAKE SEPARATE RECOMMENDATIONS FOR EACH OF SITE 1(A) AND (B) AND SITE 2 RECOMMENDING THAT THE CITY COUNCIL APPROVE EXHIBITS "A" (GENERAL PLAN AMENDMENTS), AND EXHIBITS "B" (REZONINGS) AND EXHIBIT "D" (FOR THE PLANNED DISTRICTS P-2004-274 AND PLN2005-079) FOR THE FOLLOWING SITES:**

**SITE 1 – SITE 1(A) IS A 6.77-ACRE GROUP OF PROPERTIES LOCATED AT 555 – 631 MOWRY AVENUE (NORTH OF MOWRY WHERE CHERRY STREET TERMINATES AT MOWRY AVENUE). SITE 1(B) IS A VACANT .99-ACRE LOCATED AT 101 GUARDINO (AT THE CORNER OF GUARDINO AND MOWRY AVENUE).**



**SITE 2 – THE SITE IS A 3.81-ACRE GROUP OF SEVEN PROPERTIES LOCATED AT 17-92 MOWRY AVENUE, 24-66 DASSELL ROAD AND 38339-38395 MISSION BOULEVARD, ALL AT THE NORTHWEST CORNER OF MISSION BOULEVARD AND MOWRY AVENUE.**

The motion carried by the following vote:

AYES:	5 – Harrison, Lydon, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	2 – King, Natarajan
RECUSE:	0

**MISCELLANEOUS ITEMS**

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- Information from Commission: Commission members may report on matters of interest.

**Chairperson Weaver** asked if the election of a Planning Commission Chairperson and Vice-Chairperson would occur at the next meeting.

**Planning Director Schwob** replied that Commissioner King would be absent from the December 2<sup>nd</sup> meeting, because it had been rescheduled. He suggested holding elections at the beginning of the first January meeting and she could pass the gavel to the new chairperson at that time.

It was decided that Chairperson Weaver would speak with Commissioner King to see if he was interested in running for either position and to see if he wanted to be present for the vote. If it was agreeable to Commissioner King, the vote could be carried out during the December 2<sup>nd</sup> meeting.

**Commissioner Sharma** complained about not having been given “a piece of paper” that described how elections were conducted and how the Commission operated.

**Chairperson Weaver** explained that nominations were made from the floor, seconds were taken from the Commission and a vote was taken.

**Commissioner Lydon** stated that he had spoken with a business person in the city who had expressed unhappiness about his future in the city. This person seemed to believe everything he had heard and was genuinely convinced that he was being forced to relocate somewhere else by the City. Commissioner Lydon directed him to Senior Planner Livermore who spoke to him and put his mind at ease. She did an excellent job and, he believed, saved a business from moving out of the city.

**Commissioner Harrison** asked how noticing was decided, since the ongoing complaint from the public seemed to be that they had not received a notice.

**Planning Director Schwob** replied that, per State law, the minimum noticing for a rezoning was 300 feet. However, the city noticed within 1,000 feet in the Centerville District for rezoning and other types of actions. Staff used their discretion when deciding the noticing distance. When noticing more than 300 feet, sometimes the notifications ran into the thousands.

**Commissioner Harrison** suggested creating a alternative method of notifying by email. He also congratulated Vice-Chairperson Wieckowski on his new position as City Council Member. He wished the Winter Relief well this year, which was Consent Item 5. He recalled that a few years ago he and Vice-Chairperson Wieckowski had hoped that, eventually, it would not have to come before the Commission because there was no longer a need. The approval of the PetSmart item caused him to comment on the positive, incremental changes being made at The Hub.

**Chairperson Weaver** added that she was pleased to have another option for boarding her dog when she traveled.

**Commissioner Lydon** agreed with Commissioner Harrison's comments about notifications. Sometimes 300 feet picked up few people. He suggested changing the notification guidelines to the closest 200 or 500 dwelling units. Using the GIS system would facilitate this method of noticing.

**Commissioner Sharma** agreed with Commissioner Lydon's comments.

Meeting adjourned at 9:25 p.m.

SUBMITTED BY:

Alice Malotte  
Recording Clerk

APPROVED BY:

Jeff Schwob, Secretary  
Planning Commission